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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

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Jessiga/Brown

Title: VENTILATION AND VOLUME CHANGE MEASUREMENTS USING PERMANENT MAGNET AND MAGNET

Applicant: YAMASHIRO, Stanley M.

SENSOR AFFIXED TO BODY

Atty. Docket No. 64693-078

Examiner: Not known

Serial No.: 10/664,549

Filed: September 19, 2003

Group Art Unit: Not known

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists We enclose copies of any cited documents that are not U.S. patents.

This Information Disclosure Statement is being submitted:

- 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;
- 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of

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allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following: A statement that either: (a) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR No item of information contained in the information disclosure (ii) statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement; OR The fee of \$180 for filing of an Information Disclosure Statement as set forth (b) П in 37 C.F.R. 1.17(p). 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both: (a) A statement that either: Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR No item of information contained in the information disclosure (ii) statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement; (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

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cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 501946** referencing order number 64693-078-6806.

November 5, 2003

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO				Complete if Known		
	INFORM	ATION D	SCLOSURE	Application Number	10/644,549	
STATEMENT BY APPLICANT				Filing Date	September 19, 2003	
				First Named Inventor	YAMASHIRO, Stanley M.	
	(use as ma	any sheets	as necessary)	Art Unit	Unknown	
				Examiner Name	Unknown	
Sheet	1	of	1	Attorney Docket Number	64693-078	

U.S. PATENT DOCUMENTS							
Examiner Initials*	Cite No. 1	Document Number  Number -Kind Code <sup>2</sup> (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document			
	1	US-3,658,052	04-25-1972	ALTER (American Electronic Laboratories, Inc., Assignee)			
	2	US-4,267,845	05-19-1981	ROBERTSON, JR. et al.			
	3	US-4,595,196	06-17-1986	MUCHISKY et al.			
	4	US-4,738,264	04-19-1988	ORLANDO			
	5	US-5,069,221	12-03-1991	SMITH et al. (Densa Limited, Assignee)			
	6	US-5,107,885	04-28-1992	HARRINGTON et al. (RKR Corporation, Assignee)			
	7	US-5,295,490	03-22-1994	DODAKIAN			
	8	US-5,825,293	10-20-1998	AHMED et al.			
	9	US-6,261,238	07-17-2001	GAVRIELY (Karmel Medical Acoustic Technologies, Ltd., Assignee)			
	10	US-6,480,111B2	11-12-2002	CANADY et al. (Southwest Research Institute, Assignee)			

OTHER PRIOR ART - NONPATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>		
			+		

Examiner	Date
Signature	Considered

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). 
<sup>2</sup>Applicant is to place a check mark here if English language translation is attached.